

FILED BY rule D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 SEP 26 PM 5:39

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN. MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JELANI JOHNSON,

Defendant.

CR. NO. 04-20204

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

On August 16, 2004, Defendant Jelani Johnson ("Johnson") filed a "Notice of Demand for Speedy Trial" pro se. At the time, he was in the custody of the State of Tennessee. On September 8, 2005, Johnson filed this Motion to Dismiss through counsel for failure to adhere to the requirements of the Interstate Agreement on Detainers ("IAD") to which the United States is a party. 18 U.S.C. App. 2 § 2.

The IAD requires that party States bring an indicted defendant who has filed the proper request for final disposition of the indictment to trial within 180 days of receiving the request. 18 U.S.C. App. 2 § 2 Art. III(a). Any request for speedy trial, however, does not suffice to meet the requirements of the IAD. The request must be delivered to the prosecuting officer and the appropriate court with jurisdiction, and it must contain

written notice of the defendant's place of imprisonment and a certificate from an official with custody of the prisoner stating the term of commitment, the time already served, the time remaining on the sentence, the amount of good time earned, the time of parole eligibility, and any decision of the State parole agency related to the prisoner. 18 U.S.C. App. 2 § 2 Art. III(a).

The "Notice of Demand for Speedy Trial" filed by Johnson did not meet the requirements set forth in the IAD. The document was a form request for a speedy trial in Tennessee state court. It did not provide written notice of Johnson's place of imprisonment and did not include the required certificate from an official with custody of the prisoner. Because the "Notice of Demand for Speedy Trial" did not meet the requirements of the IAD, Defendant's motion to dismiss is DENIED.

So ordered this 26th day of September 2005.

A handwritten signature in black ink, appearing to read 'SH Mays', written over a horizontal line.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CR-20204 was distributed by fax, mail, or direct printing on September 27, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT